

CHARGES

Lieutenant Banaszkiewicz, Star Number 743, is charged with violating the following rules contained in Article V of the Rules and Regulations of the Chicago Police Department, which were in full force and effect on the date of the alleged violations:

- Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.
- Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.
- Rule 6: Disobedience of an order or directive, whether written or oral.

SPECIFICATIONS

Lieutenant Richard Banaszkiewicz, Star Number 743, is charged with violating Rule 2, "Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department," in the following instances:

- Count I: On various dates and times in or before April 2002, while on-duty at the 11th District CAPS office, Lieutenant Richard Banaszkiewicz used a computer issued by the Chicago Police Department to access and/or download sexually explicit images and /or information, in violation of General Order 98-7, Addendum 6, and the Chicago Police Department Internet and Electronic Mail Use Policy.

Lieutenant Richard Banaszkiewicz, Star Number 743, is charged with violating Rule 3, "Any failure to promote the Department's efforts to implement its policy or accomplish its goals," in the following instances:

- Count I: On various dates and times in or before April 2002, while on-duty at the 11th District CAPS office, Lieutenant Richard Banaszkiewicz used a computer issued by the Chicago Police Department to access and/or download sexually explicit images and /or information, in violation of General Order 98-7,

Addendum 6, and the Chicago Police Department Internet and Electronic Mail Use Policy.

Lieutenant Richard Banaszkiewicz, Star Number 743, is charged with violating Rule 6, "Disobedience of an order or directive, whether written or oral," in the following instances:

Count I: On various dates and times in or before April 2002, while on-duty at the 11th District CAPS office, Lieutenant Richard Banaszkiewicz used a computer issued by the Chicago Police Department to access and/or download sexually explicit images and /or information, in violation of General Order 98-7, Addendum 6, and the Chicago Police Department Internet and Electronic Mail Use Policy.

Based on the foregoing charges and specifications, the Superintendent recommends that Lieutenant Richard Banaszkiewicz, Star Number 743, be discharged from the Chicago Police Department.

TERRY G. HILLARD
Superintendent of Police

Approved As To Form:


KERRY R. MARCSUK
Assistant Corporation Counsel

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF CHARGES FILED AGAINST)
LIEUTENANT RICHARD BANASZKIEWICZ, STAR) NO. 02-2505
#743, DEPARTMENT OF POLICE, CITY OF) CR#279803
CHICAGO,)

FINDINGS & DECISION

On November 26, 2002, the Superintendent of Police filed charges with the Police Board of the City of Chicago against Lieutenant Richard Banaszkiewicz, Star #743, (hereinafter sometimes referred to as "Respondent") seeking his separation for violating the following Rules:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

Rule 6: Disobedience of an order or directive, whether written or oral.

The Police Board of the City of Chicago caused a hearing on these charges against Lieutenant Richard Banaszkiewicz to be held before Michael G. Berland, Hearing Officer of the Police Board of the City of Chicago on May 20, 2003 and July 8, 2003.

Following the hearing, the members of the Police Board read and reviewed the certified transcription of the proceedings of the hearing and all exhibits submitted into evidence. Michael G. Berland, Hearing Officer, made an oral report and conferred with the Police Board before it rendered a decision.

The Police Board of the City of Chicago, as a result of

its investigation of the charges, finds and determines that:

1. The Respondent was at all times a Lieutenant employed by the Department of Police of the City of Chicago.

2. The charges were filed in writing and a Notice, stating the time, date and place, when and where a hearing of the charges was to be held, together with a copy of the original charges, was served upon the Respondent more than five (5) days prior to the hearing on the charges.

3. The hearing was conducted before Michael G. Berland, hearing officer of the Police Board of the City of Chicago, on May 20, 2003 and July 8, 2003.

4. Throughout the hearing the Respondent did appear in person and was represented by counsel of his own choosing.

5. The Respondent Lieutenant Richard Banaszkiewicz, Star #743, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policy and goals or brings discredit upon the Department.

A. On various dates and times in or before April 2002, while on duty at the 11th District CAPS office, Lieutenant Richard Banaszkiewicz used a computer issued by the Chicago Police Department to access and/or download sexually explicit images and/or information in violation of General Order 98-7, Addendum 6, and the Chicago Police Department Internet and Electronic Use Policy.

6. The Respondent Lieutenant Richard Banaszkiewicz, Star

#743, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

Rule 3: Any failure to promote the Department's efforts to implement its policy or accomplish its goals.

A. On various dates and times in or before April 2002, while on duty at the 11th District CAPS office, Lieutenant Richard Banaszkiewicz used a computer issued by the Chicago Police Department to access and/or download sexually explicit images and/or information in violation of General Order 98-7, Addendum 6 and the Chicago Police Department Internet and Electronic Mail Use Policy.

7. The Respondent Lieutenant Richard Banaszkiewicz, Star #743, charged herein, contrary to the Rules and Regulations, is guilty of violating, to wit:

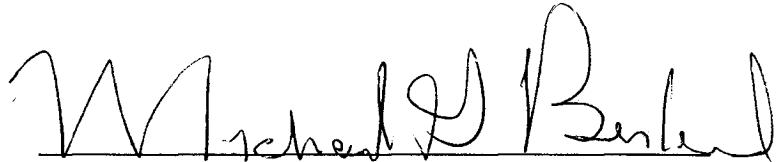
Rule 6: Disobedience of an order or directive, whether written or oral.

A. On various dates and times in or before April 2002, while on duty at the 11th District CAPS office, Lieutenant Richard Banaszkiewicz used a computer issued by the Chicago Police Department to access and/or download sexually explicit images and/or information in violation of General Order 98-7, Addendum 6, and the Chicago Police Department Internet and Electronic Use Policy.

By reason of the findings of fact that Respondent Lieutenant Richard Banaszkiewicz, Star #743, is guilty of violations of Rules 2, 3, and 6, cause exists for the suspension of Lieutenant Richard Banaszkiewicz from his position as a Lieutenant with the

Chicago Police Department from December 5, 2002 to and including December 4, 2003 with the restoration of all of his rights and benefits thereafter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael G. Berland". The signature is fluid and cursive, with "Michael" on the first line and "G. Berland" on the second line.

Michael G. Berland, Hearing Officer

D E C I S I O N

The members of the Police Board, having read and reviewed the certified copy of the transcription of the hearing, having viewed the videotapes of the hearing, and having received the oral report of the Hearing Officer, Michael G. Berland, and having conferred with the Hearing Officer on the credibility of the witnesses and the evidence; and in reaching its decision as to the penalty imposed, the Board has taken into account not only the facts of this case but also the respondent's complimentary and disciplinary history, which is attached hereto as Exhibit A; and;

IT IS HEREBY ORDERED that the respondent, Lieutenant Richard Banaskiewicz, Star # 743, as a result of having been found guilty of the charges in Police Board Case 02-2505, is hereby suspended from his position as a Lieutenant, and from the services of the City of Chicago, from December 5, 2002, to and including December 4, 2003.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 6th DAY
OF November, 2003.

Walter J. Farley
Joseph D. Donahue
Ken J. L. Miller
William J. Kelliher
Michael G. Berland

Executive Director, Police Board

D I S S E N T

The following members of the Police Board hereby dissent from the decision of the majority of the Board. While concurring in the finding of guilt, they would support a penalty of discharge.

Demetrius Carr
Byshere

RECEIVED A COPY OF THE FOREGOING

COMMUNICATION THIS _____ DAY

OF _____, 2003.

SUPERINTENDENT OF POLICE

INTERNAL AFFAIRS DIVISION
RECORDS SECTION

7 June 2002

TO: COMMANDING OFFICER UNIT 121

FROM: RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SUBJECT: PREVIOUS DISCIPLINARY RECORD OF:

BANASZKIEWICZ, RICHARD 743 011
NAME (LAST, FIRST M.I.) STAR UNIT

M W ██████████
SEX RACE ~~██████████~~ S.S.N.

REFERENCE: COMPLAINT REGISTER NUMBER(S) 279 803

THE PREVIOUS DISCIPLINARY RECORD OF THE SUBJECT ACCUSED HAS
BEEN REQUESTED IN YOUR NAME BY:

P.A. M. BIALAS 7345 ██████████ 121-S
RANK NAME STAR S.S.N. UNIT

RELATIVE TO A SUSTAINED FINDING IN THE INVESTIGATION OF THE
ABOVE REFERENCED COMPLAINT REGISTER NUMBER.

THE RECORDS SECTION, INTERNAL AFFAIRS DIVISION, DISCLOSES THE
FOLLOWING DISCIPLINARY ACTION(S) ADMINISTERED TO THE
SUBJECT ACCUSED FOR THE PAST FIVE (5) YEARS.

VERIFIED/PREPARED BY:

P.O. S. SASSO
FOR: COMMANDING OFFICER
RECORDS SECTION
INTERNAL AFFAIRS DIVISION

SEE ATTACHED

Ex A

279 803
23
ATTACHMENT 4

Chicago Police Department
Personnel Division

06/07/2002

COMPLIMENTARY HISTORY

Name	Title	SSN	Star	Unit	Detail Unit
BANASZKIEWICZ	RICHARD	9173	00743	011	

HONORABLE MENTIONS

118

COMPLIMENTARY LETTERS

13

<u>DEPT. COMMENDATIONS</u>	<u>AWARD NUMBER:</u>	1	84577	2	84422	3	83405	481325	5
4		6		7		8		9	10

OTHER AWARDS: 0

SPECIAL AWARDS:

Jr. Chamber . of Comm	1	Unit Meritorious	0	Fitness Award	0
Rich. J Daley Award	0	Lambert Tree	0	Appearance Award	0
Police Medal	0	Carter Harrison	0	Special Commendation	0
Supt. Awd of Valor	0	WGN Award	0	Partnership Award	0
Supt. Awd of Merit	0	Honored Police Star	0	Special Serv. Award	0
Police Blue Star	0	Life Saving Awd	1	Problem Solving Awd	0
Officer of The Month	0	Hnd Cld Med. of Val	0	Blue Shield Awd	0

Complimentary History Requested By:

NAME	BIALAS	MARYANN	9174	STAR:	17345	UNIT:	121
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Completed by:

CR #: 279803

Sue Doyle
Personnel Division
Records Section -2089-2092
Pax 0-342 or Bell 5-5390

279803
DRP
22
RECEIVED
JUN 10 2002

CHICAGO POLICE DEPARTMENT
Sustained Complaints History Report

07-JUN-2002 09:06:40 AM

<u>Social Sec. #</u>	<u>Name</u>	<u>Star #</u>	<u>Emp. #</u>	<u>Rank</u>	<u>Description</u>	<u>Unit</u>
	BANASZKIEWICZ RICHARD	743	25441	9173	LIEUTENANT OF POLICE	011
<u>Sex</u>	<u>Race</u>	<u>Birth Date</u>	<u>Appointed Date</u>	<u>No. Of CR's</u>	<u>No. Of SPAR's</u>	
M	WHITE	05-JUN-1948	18-JUL-1977	1	1	
<u>Case #.</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>	
C 241883	03-OCT-1997	06-OCT-1998	2 DAY SUSPENSION Police Board #	09K-INDEBTEDNESS TO CITY		279803
<u>Civil Suit #</u>		07-OCT-1998				23
<u>Comments</u>						
<u>Case #.</u>	<u>Incident Date</u>	<u>Suspension Dates</u>	<u>Disciplinary Action Taken</u>	<u>Final Category</u>	<u>Less Serious Transgression</u>	
S021240	10-MAR-2002		REPRIMAND Police Board #		016-FAILURE TO PERFORM ASSIGNED TASKS	
<u>Civil Suit #</u>						
<u>Comments</u>						